

REMARKS

Claims 1-19 are pending in this case. Claims 1-5, 8, 9 12-15 and 18 were previously rejected. Claim 19 has been allowed. Claims 6, 7, 10, 11, 16 and 17 were previously objected to as depending from a rejected independent claim. Claim 1 was amended to more particularly point out the subject matter claimed by the Applicant as his invention. Claim 1 was amended in response to a typographical error pointed out by the Examiner. Claims 6, 7, 10, 16 and 17 were rewritten in independent form including all of the limitations of the base claims and all intervening claims. No new matter was added.

The Examiner has indicated that additional fees are due based on the amendments to claims 6, 7, 10, 16 and 17. The amendments to these claims did not change the scope of the claims; rather the amendments were to include the limitations of the base claim (no intervening claims were involved). The Examiner cites 37 CFR 1.111 as the basis for the request for the additional fees but the Applicant can find no requirement in 37 C.F.R. 1.111 for additional fees for claims that have already been examined and found to be allowable.

While the Applicant would understand a requirement for additional fees for newly presented independent claims, the amended claims are not newly presented claims. The claims at issue were presented previously, examined and had been found to be allowable by the Examiner. The amendments simply placed the claims in condition for allowance; no additional search was required by the amendments.

In the event the Examiner continues the requirement for additional claims fees, an authorization to charge the deposit account is included.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kimberly A. Chasteen", with a long horizontal flourish extending to the right.

Kimberly A. Chasteen
Reg. No. 36,755

August 4, 2003

(757) 249-5100

Williams Mullen
One Old Oyster Point Road, Suite 210
Newport News, VA 23692

#371563 resp to OA #1 - WHALEN & HOWARD